of the grantor, and thus ignore the qualifying words in question, and give to the exception the same effect as if it had read, except all the timber and coal upon said land.' This we cannot do. Giving proper effect to the qualifying words, we conclude that only such coal and timber were excepted from the conveyance as the grantor might want for his personal use during his lifetime, and not such coal and timber as he might desire to sell to others. In other words, only a personal use by the grantor during his lifetime was contemplated, and not a salable use, which would continue in effect after his death."

Game—Fowling Rights of Riparian Owners on Navigable Waters. —In Schermerhorn *v.* Dozier (Cir. Ct. Appeals, Fourth Cir.), 251 Fed. 839, it was held that under Code Va. 1904, §§ 1338 and 1339, a riparian owner upon nontidal navigable waters of a bay, did not have exclusive right of fowling on its waters below low-water mark, as such waters may be used in common for fowling and fishing.

The court said: "The question, therefore, now presented, is as to the riparian rights of owners of land abutting upon navigable waters in the state of Virginia in respect to fowling on such waters. The following is from 2 Henning's Statutes at Large, p. 456, under date of April, 1679:

" 'Robert Liny haveing complained to this grand assembly, that whereas he had cleared affishing place in the river against his owne land to his greate cost and charge supposing the right thereof in himselfe by virtue of his pattents, yett neverthelesse severall persons have frequently obstructed him in his just priviledge of ffishing there, and in despight of him came upon his land and hale their sceanes on shore to his greate prejudice, aleadging that the water was the king majesties, and not by him gran ed away in any pattent, and therefore equally free to all his majesties subjects to ffish in and hale their sceanes on shore, and praying for reliefe therein by a declaratory order of this grand assembly; it is ordered and declared by this grand assembly that every mans right by virtue of his pattent extends into the rivers or creekes soe farre as low water marke, and it is a priviledge granted to him in and by his pattent, and that therefore noe person ought to come and ffish there above low water marke or hale their sceanes on shoare (without leave first obtained) under the hazard of committing a trespasse, for which he is sueable in law.'

"We know of no reason why the principle enunciated in the foregoing legislative declaration should not apply to fowling as well as to fishing in navigable waters. The modern form of this rule is found in § 1339, Code of Virginia 1904. Moreover, § 1338 of said Code (taken from Act April 1, 1873 [Acts 1872-73, p. 310]) reads, so far as material, as follows:

"'All the beds of the bays, rivers, creeks, and the shores of the sea within the jurisdiction of this commonwealth, and not conveyed by special grant or compact according to law, shall continue and remain the property of the commonwealth of Virginia, and may be used as a common by all the people of the state for the purpose of fishing and fowling, and of taking and catching oysters and other shell fish, subject to the provisions of chapters ninety-five, ninety-six, and ninety-seven, and any future laws that may be passed by the General Assembly.'

"In Taylor *v.* Commonwealth, 102 Va. 759, 770, 47 S. E. 875, 102 Am. St. Rep. 865, it was held that this statute is declaratory of the pre-existing common law of Virginia. And we are unable to accede to the soundness of the contention that this rule applies only to tidal waters. If the water be navigable, it may beyond low-water mark be used as a common for fowling and fishing. In Taylor *v.* Commonwealth, supra, 102 Va. page 773, 47 S. E. at page 880 [102 Am. St. Rep. 865], is the following enumeration of the rights of riparian owners whose lands abut on navigable waters:

"'First. The right to be and remain a riparian proprietor and to enjoy the natural advantages thereby conferred upon the land by its adjacency to the water.

'Second. The right of access to the water, including a right of way to and from the navigable part.

'Third. The right to build a pier or wharf out to navigable water, subject to any regulations of the State.

'Fourth. The right to accretions or alluvium.

'Fifth. The right to make a reasonable use of the water as it flows past or laves the land.'

"See, also, Norfolk *v.* Cooke, 27 Grat. (Va.) 430, 433, and cases cited; McCready *v.* Com., 27 Grat. (Va.) 985; Grinels *v.* Daniel, 110 Va. 874, 877, 67 S. E. 534; Meredith *v.* Triple Island Club, 113 Va. 80, 84, 73 S. E. 721, 38 L. R. A. (N. S.) 286, Ann. Cas. 1913E, 531; 19 Cyc. 992.

"We regard the above-quoted enumeration as complete, and hold that the plaintiff has no exclusive right of fowling on the waters of North Bay."

Libel and Slander—Acts Tending to Disgrace Plaintiff.—In Thompson *v.* Adelberg & Berman (Ky.), 205 S. W. 558, it appeared that a seller of clothes on the installment plan placed yellow cards, headed "Please take notice," in the front door and in the windows of a buyer's residence, and on a stick driven near a sidewalk, stating that their collector had called and would not further annoy buyer if she would pay the balance. It was held that this tended to disgrace her in the estimation of the public, and was libelous per se.

The court said: "There is a broad distinction between verbal